RIF - Frequently Asked Questions

Updated 4 December 2013

1. Does all time count? (e.x. T10, T32, Tech School)

Guide to Processing Personnel Actions (GPPA) 1-6a(b) Creditable service for RIF is the same as creditable service for leave, and can be found under the Guide to Processing Personnel actions, Chapter 6- Creditable Service for Leave accrual. To be creditable for RIF and leave purposes, uniformed service must have

(1) Ended Honorably
(2) Been Active Duty in a uniformed service
    a. The uniformed service consists of the Armed Forces (Army, Navy, Air Force, Marines, Coast Guard) plus the commissioned officer corps of the Public Health Service and the National Oceanic and Atmospheric Administration.
    b. Active duty is full time duty in the Armed Forces. In the **Reserves**, this would include active duty for training but not weekly or monthly drills. **National Guard** duty must be active duty in the service of the United States under Title 10, USC, or under a call by the POTUS or SECDEF. National Guard service or training under the call of the Governor of a State or performed for a State under Title 32, USC, is not creditable.

2. Does title 32 Count if surrounded by technician service?

Yes, under 5 USC 8332(f), credit is allowed for LWOP granted to an employee while performing military service when they return to duty as a technician.

3. Does temporary technician service count toward retirement SCD and if not, can they buy back the time to add to his/her retirement?

CSRS/ FERS Handbook Chapter 20(b)1.1-2(A)3: Non-deduction service prior January 1, 1989 is creditable for retirement purposes if a deposit is made.

Non-deduction service after (except Peace Corps and VISTA) is not creditable for retirement purposes.

4. Do we get Veterans Preference?

No, it would require a change in the law. Excepted Service doesn't get Veteran's Preference.

5. Why do we not make everyone a "yes" on veteran's status/ preference (as opposed to no).

The Technician Act of 1968 brought about the existence of the Technician workforce. In the Technician Act, 32 USC 709 (g), it states "Section 2108, 3502, 7511, and 7512 of Title 5 DO NOT apply to a person employed under this section." These sections mandate National Guard technicians be excepted from the application of Veteran's preference, and from the application of RIF procedures developed by OPM which apply Veteran's preference.

5 USC 2108: Veteran/Disabled Veteran Preference

5 USC 3502: Order of Retention

5 USC 7511: Definitions, Applications

5 USC 7512: Actions Covered

6. Does a disability (VA Rating) get any type of preference?

No, refer to question 5 (5 USC 2108)

7. How do Title 32 orders/ enlistments count towards SCD's and retirements?

Refer to question 1 and 2 above.

8. I'm interested in buying back my time for retirement. What should I do? See below for the complete deposit process:

Step 1 Technician Responsibility: Initiate process by submitting DD 214 and/or orders to document military service. (Note: DD 214 must be member 4 copy or a copy that specifies discharge type) If military service is USERRA, (i.e is surrounded on either side by technician service) you will need to specify periods of military service when you were on paid leave from your civilian position (military leave, annual leave, or compensatory time). This can best be accomplished by providing civilian leave and earnings statements for the duration of the order. Failure to provide leave history during military absence will result in overpayment of military deposit. Any overpayment, whether due to employee or agency error, cannot be refunded until the employee retires or separates from federal service.

Step 2 HRO Responsibility: Verify service creditability, and submit a request for earnings (RI 20-97) along with all supportive SF 50's and/or LES's to appropriate military pay branch at DFAS within two pay periods of receipt. If technician is in a nonpaid status for a period greater than 30 consecutive days, the request for earnings will be submitted to DFAS. If technician is in a nonpaid status for any period less than 30 consecutive days, request will be submitted to appropriate local military pay technician.

*Step 3 HRO Responsibility***:** Once earnings are received, HRO will build a package to submit to the Army Benefits Center-Civilian (ABC). This package will include the estimate of earnings, DD 214, and any supportive documentation such as SFG 50's leave and earnings statements, and orders. The package will be faxed to ABC-C.

*Step 4 ABC-C: ABC-C is the process owner for your military deposit and any inquiries as to the status should be directed to them at 1-877-276-9287***.** Upon receipt of the package from the HRO, ABC-C will review for accuracy then calculate and estimate of the amount owed to make the deposit and generate an application on your behalf. A package will then be mailed to both the technician and the HRO to be placed in the Official Personnel Folder that shows the amount owed for the deposit. ABC-C will also submit a copy to DFAS electronically. The purpose of this is to establish an account for that particular military deposit so that when you later submit your payment DFAS your deposit can be credited appropriately to your retirement account.

Step 5 DFAS: Receives package from ABC-C, posts amount owed in block 20 of the employee Leave and Earnings Statement, and mails the employee a Military Deposit Information Letter Click here to view a sample Military Deposit Information Letter from DFAS. The Military Deposit Information Letter will confirm the period owed for deposit, the amount owed, and provide you instructions on how to make payment.

Step 6 Technician Responsibility (Payment Letter): You may begin payment of your military deposit once you receive the above military deposit information letter from DFAS. If you do not receive a letter from DFAS you may still begin paying the deposit when you see the amount due post to your Leave and Earnings Statement in block 20. You must submit your payment request to DFAS via a signed payment election. It is strongly suggested that you email or fax a copy of your payment letter and a copy of your check if paying lump sum, to the HRO for placement in your personnel file to ensure that proof of payment is shown at the time of your retirement. **The burden of proof lies with you, the employee, to prove the payment of a deposit. It is imperative that you retain all documentation associated with your military deposit and payment, otherwise, you may have to repay the deposit at retirement in order to receive service credit.**

Step 7: Technician Responsibility: It is your responsibility to confirm payment of your deposit. Once your military deposit is paid in full (as annotated in block 20 of your LES) you will need to request a "Paid In Full Letter" from DFAS through your Human Resource Office retirements specialist as final proof of payment. DFAS will then mail the letter to your home of record and it is your responsibility to provide a copy to the HRO for placement in your Official Personnel Folder. DFAS does NOT mail a copy of that letter to the HRO. To request a "Paid in Full Letter" please contact the Retirements Specialist at 304-561-6429.

9. Who is eligible for VERA / VSIP?

Voluntary Early Retirement (VERA) offers apply to employees covered under both the Civil Service Retirement System (CSRS) and the Federal Employees Retirement System (FERS). When an agency has received VERA approval from OPM, an employee who meets the general eligibility requirements may be eligible to retire early. The employee must:

1. Meet the minimum age and service requirements -
    - At least age 50 with at least 20 years creditable Federal service, OR
    - Any age with at least 25 years creditable Federal service;
2. Have served in a position covered by the OPM authorization for the minimum time specified by OPM (usually 30 days prior to the date of the agency request);
3. Serve in a position covered by the agency's VERA plan; and
4. Separate by the close of the early-out period.

When an agency has received approval from OPM to offer Voluntary Separation Incentive Pay (VSIPs), any employee (as defined in 5 U.S.C. 2105) who meets these general eligibility requirements may receive an offer. The employee must:

1. Be serving in an appointment without time limit;
2. Be currently employed by the Executive Branch of the Federal Government for a continuous period of at least 3 years;
3. Be serving in a position covered by an agency VSIP plan (i.e., in the specific geographic area, organization, series and grade);
4. Apply for and receive approval for a VSIP from the agency making the VSIP offer; and
5. Not be included in any of the ineligibility categories listed below.

Employees in the following categories are not eligible for a VSIP:

1. Are reemployed annuitants;
2. Have a disability such that the individual is or would be eligible for disability retirement;
3. Have received a decision notice of involuntary separation for misconduct or poor performance;
4. Previously received any VSIP from the Federal Government;
5. During the 36-month period preceding the date of separation, performed service for which a student loan repayment benefit was paid, or is to be paid;
6. During the 24-month period preceding the date of separation, performed service for which a recruitment or relocation incentive was paid, or is to be paid; and
7. During the 12-month period preceding the date of separation, performed service for which a retention incentive was paid, or is to be paid.

10. How will RIF selection take place and what criteria are used to determine RIF standing?

The RIF process is outlined in the Labor Management Relations Agreement (Union Contract), and the MOU modification section 20.6. This can be found on the HRO website at www.wv.ngb.army.mil/jobs.

Under the current contract, the retention register will consist of the following:

- Separate tenure groups into Tenure 1, Tenure 2, and Tenure 3.
- Once in the groups, technicians will be given five points for each outstanding, three points for each excellent and one point for each fully successful rating received during the three previously determined rating periods, then divided by three for an average score.
- Each complete year of creditable service will be given (1) point for each year and added to the average appraisal calculation. The creditable service is based on the RIF SCD.
- The SCD will be used as the second tie-breaker.
- The West Virginia National Guard Technician service date will be used as the third tie-breaker.

11. How do I obtain my military Service Records?

Obtaining Military Service Records:

To obtain copies of military service records you must first review your Virtual Military Personnel Flight record. If records are not available there you can request them through the following:

A. Complete and mail the SF 180 Request Pertaining to Military Records which can be found at the following link: http://www.archives.gov/veterans/military-service-records/standard-form-180.html

B. Online requests may be submitted to the National Personnel Records Center (NPRC) by a veteran using eVetRecs at http://www.archives.gov/veterans/military-service-records/

C. Other methods to obtain MILITARY service records: http://www.archives.gov/veterans/military-service-records/other-request-methods.html

12. What is the competitive area?

The 167th Maintenance Group and the 167th Operations Group are the only two units being affected in the RIF process.

13. How will a military RIF affect a Federal Technician RIF?

The military has the potential to double, triple, and even quadruple personnel in the same slot for traditional Guardsmen on the manning document. Should there be a case where a Full time technician loses their military position, the technician would be slotted as the primary in a like position compatible with their technician slot. There should be enough military positions available to take care of the technicians because of the slotting availability for traditional Guardsman.

14. If I am eligible for VERA, do I have to wait until age 50 to receive the FERS Annuity Supplement, commonly known as the SS supplement?

According to OPM VERA guidelines, the FERS annuity supplement (Social Security supplement) is payable to an employee who has completed at least 1 year of FERS service only when he or she reaches Minimum Retirement Age (MRA). MRA is age 55 to 57 depending on date of birth. The annuity supplement is payable until eligibility for Social Security at age 62. (CSRS-FERS Handbook Ch. 43 Part 43B2 B.)

15. Should I buy back military time that is surrounded by technician service or does it matter because I am already a technician?

"Buying Back" time, also known as making military deposit, can impact retirement eligibility, and retirement computation; however, the benefits of doing so are dependent on multiple factors to include, which retirement system you are covered under, whether the service is prior to FERS eligibility or surrounded by technician service, and under what circumstances you retire (i.e. Voluntary vs. Involuntary). The decision to make a deposit is unique to each individual. Please direct individual inquiries to the Army Benefits Center –Civilian or to the HRO Retirements Specialist.

Note: You do not have to purchase military service in order for it to be creditable toward Leave / RIF SCD. Any military service that is surrounded day for day by technician service (in an AUS status) is creditable toward Leave/ RIF SCD as if you never left Federal Service. Extra or concurrent credit is not given for such periods of service. Whether service is "bought back" has no bearing on Service Credit for Reduction in Force.

16. Does military time surrounded by technician time give me any additional credit toward RIF?

If you are in an Absent-Uniform Service (AUS) or Leave without Pay (LWOP) status, and return to technician status, the period you were in non-pay is already credited in your RIF/Leave SCD because you were still a technician at that time. You are not required to buy back the time in order for it to be credited toward RIF/ Leave SCD. (5 USC 8332 f.)

17. If an individual is displaced by RIF and placed on the 167th AW reemployment list, if they are offered a reasonable position and decline the offer, are they removed from the 167th reemployment list?

Yes. IAW the Labor Management Relations Agreement, technicians who are separated by RIF will remain on the Reemployment Priority List for two (2) years unless they decline in writing, accept a full-time position, or decline the offer of a full-time position in the Federal Government.

18. When will the mock RIF be conducted? Will more concrete information be provided at that time?

It is our intention to conduct the Mock RIF prior to the 4th Quarter of FY14.

19. If a DD 214 is provided, is deemed creditable toward the leave/RIF SCD, and would cause a technician to be placed in the next leave accrual bracket, when is the adjustment made? Can leave be earned retroactively?

Corrections will be made effective the beginning of the pay period in which appropriate and certified documentation is received by HRO staff. Retroactive corrections will only be made if administrative errors in credit from previous actions are discovered, or date certified documents are discovered in the OPF that were not credited appropriately.

20. How do I obtain records showing my buyback was paid?

See question 8, Step 7 for instructions.

21. Will everyone be put on competitive status or just people receiving a RIF notice?

IAW the Priority Placement Program Handbook dated July 2011 and Public Law 99-586 National Guard Technicians who receive a notice of separation (specific RIF notice) may be eligible to register in Program K which states: An individual who served for at least three (3) years as a technician acquires a competitive status for transfer to the competitive service if such individual -

1. Is involuntarily separated from service as a technician other than by removal for cause on charges of misconduct or delinquency;

2. Passes a suitable noncompetitive examination; and

3. Transfers to the competitive service within one (1) year after separating from service as a technician.

22. Please clarify on HRO website competitive area, competitive code, competitive service (competitive code on SF 50)

Competitive Area: Sets the limits within which employees compete for retention, and is defined on the basis of the organization and/geography. For the purpose of this RIF the Competitive Area has been set to include The 167th Maintenance Group and the 167th Operations Group.

Competitive Level Code: The competitive level code is an alpha-numeric code determined by the pay plan, occupational series, grade, and position description number. Therefore individuals within the same occupational series and grade who have differing PD numbers will be placed on the register in separate categories.

For example: An individual who is a WG-8852-10 in PD # D0100000 Aircraft Mechanic will be placed on the register in a separate category has an individual who is a WG-8852-10 in PD # D1366000 Aircraft Mechanic.

Competitive Service (Competitive Code on SF50s): Competitive service refers to Non-Dual Status positions.

Competitive Status: Competitive status is a person's basic eligibility for assignment (e.g., by transfer, promotion, reassignment, demotion, or reinstatement) to a position in the competitive service without having to compete with members of the general public in an open competitive examination.

23. How do members access the Old FSS e-records? Member is looking orders/ 214 from tech school.

Orders could possibly be obtained from WVANG Headquarters or AROWS, and DD 214s can be obtained on vPC-GR.

24. Are individuals who choose to apply for other employment within the agency granted the same benefits as those who are involuntarily displaced? If not, what if any, benefits are available (i.e, highest previous rate, maximum payable rate, grade and pay retention)?

No, they do not get the same benefits as someone involuntarily displaced but may be eligible for highest previous rate and maximum payable rate.

25. If I take a VERA, am I eligible for the Social Security Supplement immediately?

Not until you meet your MRA.

27. How will they determine who stays and who goes?

All members in the affected areas will be placed on the retention register. The criteria to create the retention register is in the MOU Modification of Labor Management Relations Agreement (LMRA), Section 20.6.

28. Same job 8852 series, rated differently. How is that related under appraisals for RIF purposes? Example same OCC series but one just handles tools and parts and rated a 5.

Individuals affected by the RIF will be placed on the retention register in categories based off of the competitive level code for their position. The competitive level code is an alpha-numeric code determined by the pay plan, occupational series, grade, and position description number. Therefore individuals within the same occupational series and grade who have differing PD numbers will be placed on the register in separate categories.

For example: An individual who is a WG-8852-10 in PD # D0100000 Aircraft Mechanic will be placed on the register in a separate category has an individual who is a WG-8852-10 in PD # D1366000 Aircraft Mechanic.

29. If member buys back active duty time, will military retirement check decrease?

Under provisions of 10 USC, Chapter 1223 the purchase of active duty time causes no reduction to the military annuity of an individual who is retiring from a reserve component of the Armed Forces (i.e. National Guard retirement).

If an employee is receiving active duty military retired pay, then in order to use the military service toward your Federal annuity you must elect to waive the the retired pay and have the military service added to your civilian service in computing your annuity.

30. When will specific sections/shops know if they are affected and will be losing positions?

The RIF notice will be NLT 3 July 2014, and the individual RIF notice will be NLT 1 August 2014.

31. Can members getting RIFed receive a hard date of when their last day will be so they can prepare, look, and apply for a new job as a displaced federal employee?

Yes, employees will receive their individual RIF notice NLT 1 August 2014.

32. Would TSP be penalized if an individual took VERA instead of management non-retaining them?

Information regarding tax treatments for TSP Withdrawals can be found at www.tsp.gov or on the HRO homepage under the Separated Employees tab. The pamphlet, TSP 536, *Important Tax Information About Payments from your TSP Account*, explains if you receive a distribution from your TSP account, you may be subject to an additional early withdrawal penalty. This penalty is generally waived if you separate from service after reaching age 55. You may contact the TSP at 1-877-968-3778 for clarification or any other questions.

33. If someone gets RIFed and they do not rollover their TSP, do they get the 20% penalty?

See Answer to question 35.